

### **REMARKS**

Claims 1 and 2 have been amended to clearly define the invention. The amendments do not raise the addition of new matter to the application. Applicant respectfully requests entry of the amendments and reconsideration of the application in view of the amendments and the following remarks.

#### **Rejection of Claims 1-2, 4-7, 9, 12, 15-16 and 19-20 Under 35 U.S.C. § 102**

Claims 1-2, 4-7, 9, 12, 15-16 and 19-20 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Yarger (US 5,360,414). Applicant respectfully traverses the rejection. Claims 1 and 2 are independent and the remaining claims are dependent ultimately on either Claim 1 or 2. The claims could not be anticipated by Yarger as explained below.

#### **Claim 1**

Yarger discloses a catheter having a tip end portion and a projection portion wherein the tip end portion comprises a plurality of side holes (28a-d) and a groove (32,26), which corresponds to the row for draining.

Claim 1 of the present application recites a catheter comprising a tip end portion formed of a single-pipe tube and a projection portion in which a plurality of through-hole rows are formed at the tip end portion. Claim 1 further recites: wherein a single groove, corresponding to each of the through-hole rows, communicates with a plurality of the through-holes for draining at side surfaces of the through-holes along a direction in which the through-hole row extends, and the each groove is narrower than a diameter of the through-hole and is formed only at an outer peripheral surface of the tip end (emphasis added).

Draining is thus conducted along a direction in which the through-hole row extends. That is, at each through-hole row, the respective plurality of through-holes are communicated by the groove formed on the outer peripheral surface of the tip end portion along the axial direction of the tip end portion (see page 9, lines 19-22 of the specification and Fig. 2, for example).

Due to this structure, even when a through-hole at the distal end of the tip end portion is occluded by body tissue or the like, fluids can be drained through the groove to another through-hole and into the inner side of the tip end portion, since all the plurality of through-holes in the same through-hole row communicate via the same groove.

Appl. No. : 10/018,637  
Filed : June 7, 2002

In contrast, Yarger discloses that the external lumens (groove) 26 intersecting with the holes 28c or 28d do not intersect with any of the other sets of holes, and even if the more proximally located holes 28a and 28b become occluded by body tissue or the like, sumping action can still occur through the distal-most holes 28c and 28d (see column 6, lines 4-13). In other words, the manner by which draining occurs in Yarger in the event of blockage clearly differs from that of the present invention.

Further, since each groove 26 in Yarger does not intersect with each and every hole, draining can be hindered by the blocking of a particular hole. For example, the groove 26 that intersects with the hole 28c does not intersect with any of the other holes 28a, 28b or 28d. Accordingly, when the hole 28c is occluded, the fluids in the groove that intersects with the hole 28c cannot be drained and will thus remain in the groove. This is fundamentally different from the groove recited in Claim 1.

#### **Claim 2**

With regard to Claim 2 of the present application, Yarger neither discloses nor suggests a catheter having a helical groove that communicates to multiple through-holes for draining. Yarger fails to disclose every element of the invention recited in Claim 2.

In view of the foregoing, Claims 1 and 2 and the claims dependent thereon could not be anticipated by Yarger. It is respectfully requested that the rejection be withdrawn.

#### **Rejection of Claims 3, 8, 10-11, 13-14 and 17-18 Under 35 U.S.C. § 103**

Claims 3, 8, 10-11, 13-14 and 17-18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Yarger (US 5,360,414) in view of Hideki et al. (JP 08-266616). Applicant respectfully traverses this rejection.

Claims 3, 8, 10-11, 13-14 and 17-18, dependent ultimately on Claim 1 or 2, recite the distinct features of Claim 1 or 2, and additionally recite cuffs. Although Hideki et al. discloses cuffs, the other distinct features recited in Claim 1 or 2 are not disclosed or suggested in Hideki et al. Accordingly, a combination of Yarger and Hideki et al. still could not lead to the present invention. Thus, Claims 3, 8, 10-11, 13-14 and 17-18 could not be obvious over the references. Applicant respectfully requests withdrawal of this rejection.

Appl. No. : 10/018,637  
Filed : June 7, 2002

**CONCLUSION**

In light of the Applicant's amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

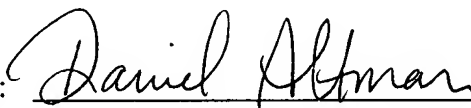
Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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Dated: July 15, 2004

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